



Docket No. 22981/6-CIP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Tucker et al. Conf. No.: 5397
Application No.: 10/762,796 Group Art Unit: 1634
FILED: January 22, 2004 Examiner: Not Yet Assigned
FOR: *Nitric Oxide Donating Derivatives of Stilbenes, Polyphenols and
Flavonoids for the Treatment of Cardiovascular Disorders*

CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

By: Sandra Wittrup Feb. 16, 2005
Sandra Wittrup Date

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant hereby submits an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications or other information submitted for consideration by the Office are listed on PTO-1449, attached hereto.

II. COPIES

- a. X **Submitted herewith is a legible copy of (i) each U.S and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.**

*** Waiver**

The Office hereby waives the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC § 371 after June 30, 2003. *See* 37 CFR 1.491(b).

III. CONCISE EXPLANATION OF THE RELEVANCE

(check at least one box)

- a. X Except as may be indicated below in (b), all of the patents, publications or other information are in the English language or were cited in an English language Search Report, a copy of which is attached hereto (concise explanation not required).
- b. A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:
- c. The following additional information is provided for the Examiner's consideration:

FEES

IV. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b)

(check one box)

- a. _____ within three months of the filing date of a national application (37 C.F.R. § 1.97(b) (1)). No fee or certification is required.
- b. _____ within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b) (2)). No fee or certification is required.
- c. X before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b) (3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below, or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

V. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):

(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c) (1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c) (2)).

- a. _____ No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).
- or
- b. X See the certification below. No fee is required.

VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby certifies that

- a. _____ each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- b. _____ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.
- c. _____ some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned certifies that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

_____ please charge Deposit Account No. 50-0369 in the amount of \$180.00 for the above-indicated fee. A triplicate copy of this paper is attached.

 X No fee is required.

VII. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.704(d) (PATENT TERM
ADJUSTMENT)

Applies to original applications (other than design) filed on or after May 29, 2000

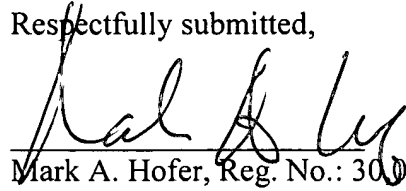
- a. ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
- b. ☒ Enclosed herewith is form PTO-1449.
- c. ☒ Copies of cited references are enclosed.
- d. ☐ Copies of cited references are enclosed except those entered in prior application filed on to which priority under 35 U.S.C. 120 is claimed. [The earlier application contains copies of the cited references.]
- e. ☐ The listed references were cited in the enclosed International Search Report in a counterpart foreign application.
- f. ☐ The "concise explanation" requirement (non-English references) for reference under 37 CFR 1.98(a)(3) is satisfied by:
- [] the explanation provided on the attached sheet.
- [] the explanation provided in the Specification.
- [] submission of the enclosed International Search Report.
- [] the enclosed English language abstract.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition, if necessary) and charge the appropriate fee to Deposit Account No. 50-0369.

Date:

2/15/05

Respectfully submitted,



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FORM PTO-1449 INFORMATION DISCLOSURE STATEMENT				ATTY DOCKET NO. 22918/6-CIP		SERIAL NO. 10/762,796			
				APPLICANT(S): Tucker et al.					
				FILING DATE: January 22, 2004		ART UNIT: 1634			
UNITED STATES PATENT DOCUMENTS									
EXAM.	INITIAL	DOCUMENT	NUMBER	DATE	INVENTOR	CLASS	SUB	FIL.	
								DATE IF	
								APPR	
			5,039,705	Aug. 13, 1991	Keefer et al.	514	611		
			5,145,839	Sep. 8, 1992	Beljanski	514	27		
			5,155,137	Oct. 13, 1992	Keefer et al.	514	611		
			5,208,233	May 4, 1993	Keefer et al.	514	231.8		
			5,405,919	April 11, 1995	Keefer et al.	525	377		
			5,422,373	June 6, 1995	Franzmann	514	598		
			5,763,414	June 9, 1998	Bok et al.	514	27		
			5,877,009	March 2, 1999	Zannis et al.	435	320.1		
			5,877,208	March 2, 1999	Bok et al.	514	456		
			5,973,011	Oct. 26, 1999	Noack et al.	514	742		
			5,994,061	Nov. 30, 1999	Tam et al.	435	6		
			6,022,901	Feb. 8, 2000	Goodman	514	733		
			6,048,903	April 11, 2000	Toppo	514	733		
			6,080,780	June 27, 2000	Paladini et al.	514	456		
			6,087,353	July 11, 2000	Stewart et al.	514	182		
			6,096,364	Aug. 1, 2000	Bok et al.	426	590		
			6,103,733	Aug. 15, 2000	Bachmann et al.	514	277		
			6,120,994	Sep. 19, 2000	Tam	435	6		
			6,133,241	Oct. 17, 2000	Bok et al.	514	27		
			6,133,311	Oct. 17, 2000	Bok et al.	514	453		
Examiner:					Date:				

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UNITED STATES PATENT DOCUMENTS							
EXAM. INITIAL		DOCUMENT NUMBER	DATE	INVENTOR	CLASS	SUB CLASS	FIL. DATE IF APPR
		6,165,984	Dec. 26, 2000	Bok et al.	514	27	
		6,165,998	Dec. 26, 2000	Wobbe et al.	514	150	
		6,203,818	March 20, 2001	Vester	424	569	
		6,211,247	April 3, 2001	Goodman	514	733	
		6,221,357	April 24, 2001	Bok et al.	424	195.1	
		6,232,336	May 15, 2001	Hrabie et al.	514	402	
		6,414,037	July 2, 2002	Pezzuto et al.	514	733	
		6,541,522	April 1, 2003	Inman et al.	514	568	08/02/01
		6,548,548	April 15, 2003	Campbell et al.	514	617	12/06/01
		6,617,122	Sep. 9, 2003	Hayden et al.	435	19	03/15/00
		6,753,346	June 22, 2004	Shinkai et al.	514	489	05/22/02
		2001/0002264	May 31, 2001	Bok et al	424	736	12/28/00
		2001/0006978	July 5, 2001	Bok et al.	514	456	01/24/01
		2001/0014357	Aug. 16, 2001	Bok et al.	424	736	02/12/01
		2001/0014669	Aug. 16, 2001	Bok et al.	514	27	03/13/01
		2001/0055627	Dec. 27, 2001	G. Hrabie et al.	424	736	01/12/00
		2003/0171429	Sep. 11, 2003	Chen et al.	514	475	12/06/00
		2003/0199566	Oct. 23, 2003	Bok et al.	514	397	12/04/02
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OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)			
		Barter, P.J. et al., "Molecular Mechanisms of Reverse Cholesterol Transport", <i>Current Opinion in Lipidology</i> 7:82 – 87, (1996)	
		Bertele et al., "Platelet Thromboxane Synthetase Inhibitors with Low Doses of Aspirin: Possible Resolution of the "Aspirin Dilemma"; <i>Science</i> 220 517 (1983)	
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		Tessitore, L. et al, "Resveratrol Depresses the Growth of Colorectal Aberrant Crypt Foci by Affecting <i>bax</i> and <i>p21</i> ^{CIP} Expression", <i>Carcinogenesis</i> 21:1619-1622 (2000)	
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